

Dbrendel1.txt

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1 IN THE UNITED STATES DISTRICT COURT FOR THE  
2 WESTERN DISTRICT OF PENNSYLVANIA  
3 CONSOLIDATION COAL COMPANY, )  
4 Plaintiff, )  
5 vs. )  
6 UNITED STATES DEPARTMENT OF ) Civil Action  
7 THE INTERIOR, NATIONAL PARK ) No. 00-2120  
8 SERVICE, )  
9 and )  
10 CAROL D. SCHULL, individually )  
11 and in her capacity as the )  
12 Keeper of the National Register )  
13 of Historic Places, )  
14 and )  
15 ROY BRENDEL and DIANE BRENDEL, )  
16 Defendants. )

17 - - - -  
18 DEPOSITION OF: DIANE F. BRENDEL  
19 - - - -

20 DATE: February 8, 2006  
21 wednesday, 9:30 a.m.

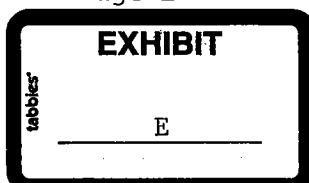
22 LOCATION: Thorp Reed & Armstrong  
23 14th Floor  
24 One Oxford Centre  
25 Pittsburgh, PA 15219

TAKEN BY: Consolidation Coal Company

REPORTED BY: Keith G. Shreckengast, RPR  
Notary Public  
AKF Reference No. KS92307

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1 DEPOSITION OF DIANE F. BRENDEL,  
2 a witness, called by the Plaintiff for examination,  
3 in accordance with the Federal Rules of Civil  
Procedure, taken by and before Keith G. Shreckengast,  
RPR, a Court Reporter and Notary Public in and for  
the Commonwealth of Pennsylvania, at the offices of  
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9 rebuild our house. We spent a considerable  
10 amount of money hiring experts to find out a  
11 figure. We were answering the question that  
12 Consol asked us. We weren't demanding  
13 anything.  
14 Q. So you're simply saying you would need  
15 \$3 million, that's the price tag?  
16 A. To properly rebuild the house.  
17 Q. And did you have anything in writing at that  
18 time to show it would be 3 million?  
19 A. Yes, we did.  
20 Q. From whom?  
21 A. We had the Davis & Sons report, which came to  
22 1.8 million. Then we had all our experts'  
23 fees, which came to another something like  
24 \$60,000.  
25 Q. who has paid those, by the way, those fees, the

□

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1 sixty-some thousand?  
2 A. Roy and I have paid some of it. And Mr. Hook  
3 has paid some of it.  
4 Q. How much have you paid, you and Mr. Brendel?  
5 A. We've paid about 18,000.  
6 Q. Did you say a total of 60 originally?  
7 A. Approximately.  
8 Q. So Mr. Hook just paid 42,000; is that correct?  
9 A. Uh-huh, yes.  
10 Q. So when you say \$3 million, that's mostly cost  
11 of repairing structures, and for these expert  
12 costs?

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13 A. And for other incidentals. For example at that  
14 time we still had the wetlands that had to be  
15 repaired, that we assumed would be a couple  
16 hundred thousand dollars. And we didn't know  
17 of any other incidentals that might come up  
18 along the way. For example, the mold  
19 mitigation that needs to be done, which is  
20 close to another \$50,000.

21 Q. You're talking here about putting a price tag  
22 on repairing the structure, not about clearing  
23 up mold?

24 A. You can't repair --

25 MR. HOOK: Objection.

□

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1 A. -- the structure --

2 MR. HOOK: You're trying to  
3 characterize her testimony inaccurately,  
4 Mr. Katarincic.

5 MR. KATARINCIC: I'm sorry?

6 MR. HOOK: He'll read it back to you.

7 BY MR. KATARINCIC:

8 Q. In this \$3 million number you have included the  
9 legal fees for Mr. Hook I take it?

10 A. Yes.

11 Q. You have a contingency fee in there?

12 A. Yes.

13 Q. That's what, 33 percent?

14 MR. HOOK: Objection, you're not  
15 allowed to ask her about any kind of  
16 arrangement of payment.

17 MR. KATARINCIC: She said your fees  
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18 are included in that, and I want to know how  
19 much.

20 MR. HOOK: Objection. Don't answer.

21 BY MR. KATARINCIC:

22 Q. Do his fees, as a concept, as a number, I don't  
23 want to know the number, they are all included  
24 in the \$3 million?

25 A. Yes.

□

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1 Q. Now there's a repair order has been issued on  
2 this house, you know that?

3 A. Yes.

4 Q. It's dated I think February 1 of this year?

5 A. Yes.

6 Q. Are you satisfied with this order?

7 A. Yes.

8 Q. So you're accepting it?

9 A. Yes.

10 MR. HOOK: Objection.

11 Q. Now who is going to pay Mr. Hook for his legal  
12 fees if this order is followed through? Where  
13 is the money going to come from?

14 A. I have no idea.

15 Q. You're not prepared to pay, are you?

16 A. No.

17 Q. So as far as you're concerned, the order is  
18 okay, but you are not going to pay legal fees?

19 MR. HOOK: Objection.

20 Q. Since you're not getting cash from the state;  
21 is that correct?